REMARKS

An Office Action was mailed on April 24, 2003. Claims 1-21 are pending in the present application.

CHANGE OF CORRESPONDENCE INFORMATION

Applicant is submitting herewith a Change of Correspondence form. All future correspondence in this matter should be directed to **Customer Number 026304** at **Katten Muchin Zavis Rosenman**, 575 Madison Avenue, New York, New York, 10022-2585, Phone: (212) 940-8800, Fax: (212) 940-8776. The attorney docket number has also changed to **GRC 19.329 (100671-00050)**, and it is respectfully requested that the Examiner update such information in the PALM system.

DRAWINGS

FIGS. 1, 4, 7, 10 and 13 are objected to because a bracket should embrace the illustrations. Responsive thereto, Applicant is submitting herewith proposed corrected figures with brackets embracing such figures.

FIGS. 16 and 17 are objected to because they share reference numbers. Responsive thereto, Applicant has added reference numbers 70 and 75 to FIG. 17.

FIG. 3 is objected to because it does not have a leader line supporting reference number 19. Responsive thereto, Applicant has added a leader line to support reference number 19.

With regard to the examiner's objection that items 52, 55 and 76 are not mentioned in the description, the Examiner is respectfully directed to pages 9 and 10 of the description and the amendments proposed thereto. The amendments at page 9 correct reference to number 57, which should read 52. The groove in which O-ring 54 is located is described at page 9 but a reference numeral has been omitted. Numeral 55 has been added by amendment. At page 10 reference is made to knurled collars "67". This reference is incorrect and has been corrected to 76 and 77 (FIG. 17).

The Examiner has also objected to the use of reference character 70 in Figure 16 as designating both a head and a pivoting joint. The Examiner has identified an inconsistency in

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the drawings and reference 70, as it refers to the pivoting joint, has been amended to reference 71.

The Examiner has also objected to reference 57 in the specification as no reference 57 appears in the drawings. As stated previously, reference 57 was included in the description in error and the reference should have been to numeral 52.

The Examiner has also suggested that certain features of the claims are not shown in the drawings. The first member having a screw thread on one end which mates with an internal screw thread formed in the attachment is clearly shown in Figure 1. The attachment is shown as 27 and an internal thread can clearly be seen. In amended FIG. 1, the internal screw thread is shown as 27a, and the specification has been amended accordingly to include a description of such internal screw thread. The screw thread clearly mates with an external screw thread shown as 14 on the first member 10. Furthermore, at FIG. 3, the collar 12 is shown as having a grooved surface 29 that is described at page 8 as facilitating rotation by hand. Thus, clearly the features identified by the Examiner are shown in the drawings.

Accordingly, the Examiner is respectfully requested to withdraw the objections to the drawings.

OBJECTION TO THE SPECIFICATION

The specification is objected to for various informalities. Specifically, Applicant has amended "21" on page 8, line 8 to read -- 12 --. Reference numeral 12 refers to the collar in its entirety, while reference numeral 21 refers to an internal transverse wall. For the sake of clarity, the leader line to the internal transverse wall 21 has been redrawn in FIG. 1.

Reference to the description of numeral 29 has also been amended on page 8 of the specification. Numeral 29 refers to the grooved outer surface of the collar 12.

Reference numeral 67 is correctly described as a thrust washer at page 9. The description of the knurled contours at page 10 should refer to reference numerals 76 and 77 (see FIG. 17). Amendment of the description has been made.

Accordingly, it is respectfully requested that the Examiner withdraw the objection to the specification.

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OBJECTION TO THE CLAIMS

Claims 11 and 20 are objected to as failing to further limit the subject matter of the previous claim. Claims 11 and 20 have been canceled, thus rendering the claim objection moot. The remaining claim objections relate to antecedent basis issues and minor informalities, which have been dealt with in kind.

Accordingly, it is respectfully requested that the Examiner withdraw his objection to the claims.

PRIOR ART REJECTIONS

Claims 1, 4-5, 7 and 9-13 are rejected under 35 U.S.C. §102(b) as being anticipated by Schultz (U.S. Patent 1,315,610). Schulz discloses a flexible joint for a metallic pipe. The joint described and shown in Schulz is fundamentally different from the swivel joint of the present invention. The joint in Schulz is designed to operate with a pressurized fluid. The pressure of the fluid is required to force the joint apart whereby the tapered surfaces are pressed into tighter engagement. This is not required in the present invention and in fact, in one embodiment shown in FIG. 1 of the present application, the taper is reversed. The swivel joint of the present invention is operable without the need for a pressurized fluid to urge the respective surfaces into engagement.

The claims of the present invention (as amended) require a ***cylindrically shaped housing to be rotatably engaged with one member and receive the milled barrel of the other member within the housing.*** Whilst the intermediate bearing 3 shown in Figure 2 of Schulz is rotatably engaged with pipe 30, the other pipe designated 10 is not received within the housing. Furthermore, pipe 10 does not have an internally milled barrel that accommodates an externally milled barrel of pipe 30 in a leak proof yet relatively rotatable relationship.

The presently claimed invention also requires the housing to be ***adjustably engaged with the other member whereby the adjustment of the collar enables tightening of the swivel joint.*** The intermediate bearing member 3 shown in Schulz is not adjustable whereby the adjustment will enable a tightening of the swivel joint. In Schultz, rotation of member 3 with respect to pipe 10 will simply extend the position of pipe 10 with reference to pipe 30. No tightening of the

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joint will occur. The only way to tighten the joint shown in Schulz is by dismantling the joint and adjusting the position of the frustoconical connecting sleeve 15 relative to pipe 30.

The advantage of the present invention over a joint such as shown in Schulz is that there is no requirement to have a pressurized fluid to enhance leak proof connection of the joint. Furthermore, the joint claimed in the present application may be tightened or loosened by the adjustment of an external collar, which is not possible when one considers the flexible joint shown in Schulz.

Accordingly, Applicant respectfully disagrees with the Examiner that the claims are taught by the cited art. The Manual For Patenting Examining Procedure (MPEP) § 2131 clearly sets forth the standard for rejecting a claim under 35 U.S.C. § 102(b). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." (MPEP § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California 2 USPQ2d 1051, 1053 (Fed Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ...claim." (MPEP § 2131, quoting Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). "The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e. identity of terminology is not required." (MPEP § 2131, citing In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990)).

In this case, the cited art fails to teach the claimed invention as required by the MPEP. Specifically, Schulz fails to teach or reasonably suggest a swivel joint for connecting to a water line in a plumbing accessory outlet, said joint comprising a first member having an externally milled barrel and a second member having an internally milled barrel, wherein said second member accommodates said first member in a leak-proof yet relatively rotatable relationship, wherein the first and second members are held together by a cylindrically shaped housing that is rotatably engaged with one member and receives the milled barrel of the other member within said housing and is adjustably engaged with the other member whereby adjustment of the collar enables the tightening of the swivel joint, as claimed.

Accordingly, it is respectfully requested that the Examiner withdraw the §102(b) rejection in view of Schulz.

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Claims 1, 7-12 and 14-21 are further rejected under 35 U.S.C. §102(b) as being anticipated by Kimbro (U.S. Patent 2,712,457), while claims 2 and 3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Schulz in view of Kimbro.

However, Kimbro also fails to describe each and every feature of the amended claims of the present application. It can be seen on examination of Kimbro that it is a bearing assembly for rotary sprinklers. The bearing is required to be freely rotatable when tightened to an operative condition. Pressure of water passing through the bearing assembly enables the bearing to more freely rotate as the sprinkler head is raised from the collar.

The claimed invention requires ***a first member having an externally milled barrel and second member having an internally milled barrel wherein the second member accommodates the first member in a leak proof yet relatively rotatable relationship.*** Reference to Kimbro shows a sprinkler head 19 into which is screwed a plug or sleeve that is positioned in abutment with a water outlet 2. The passage of water effectively lifts the sprinkler head and the sleeve from the outlet 2 such that the sleeve lifted to engage the anti-friction thrust ring or washer 13. A collar limits the longitudinal movement of the sleeve, and therefore the sprinkler head, and allows free rotation of the sleeve within the collar.

However, the present invention also requires ***the cylindrical housing to be adjustably engaged with a member such that adjustment of the collar enables the tightening of the swivel joint.*** The tightening of the sleeve in Kimbro onto the outlet 2 will not have the effect of tightening the swivel joint. In fact, Kimbro is a design that specifically requires the bearing assembly not to be tightened whereby rotation is restricted. Accordingly, Kimbro also fails to teach or reasonably suggest the claimed invention as required by the MPEP.

Thus, the Examiner is respectfully requested to withdraw the §102(b) rejection to the claims in view of Kimbro, and the §103(a) rejection to claims 2 and 3 through dependency.

For the foregoing reasons, reconsideration is respectfully requested.

An earnest effort has been made to be fully responsive to the Examiner's objections and rejection. In view of the above amendments and remarks, it is believed that claims 1-9, 12, 14-18 and 21, consisting of independent claims 1 and 14 and the claims dependent therefrom, are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance,

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the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted,

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